



Sen. Ira I. Silverstein

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1 AMENDMENT TO SENATE BILL 53

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 53 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Ice  
5 Cream Truck Worker Registration Act.

6 Section 5. Intent. It is the intent of the General Assembly  
7 to ensure that individuals who are employed as workers upon an  
8 ice cream truck operating in the State of Illinois be persons  
9 of good character and not pose a threat or danger to patrons by  
10 establishing a process whereby ice cream truck workers, as  
11 defined in this Act, must apply for a registration card from  
12 the State of Illinois.

13 Section 10. Definitions. As used in this Act:

14 "Department" means the Department of Financial and  
15 Professional Regulation.

1 "Ice cream truck" means a motor vehicle engaged in the  
2 curbside vending or sale of frozen or refrigerated desserts,  
3 confections, or novelties commonly known as ice cream or  
4 prepackaged candies, prepackaged snack foods, or soft drinks,  
5 primarily intended for the sale to children under 12 years of  
6 age.

7 "Ice cream truck worker" means any individual employed as a  
8 worker upon an ice cream truck, including the driver of an ice  
9 cream truck.

10 Section 15. Ice Cream Truck Worker Identification Card.  
11 Subject to annual appropriation to the Department for costs  
12 incurred under this Act, beginning January 1, 2012, every ice  
13 cream truck worker must apply for an Ice Cream Truck Worker  
14 Identification Card. The person shall apply to the Department  
15 on forms provided by the Department. There shall be no cost for  
16 application for or issuance of an Ice Cream Truck Worker  
17 Identification Card. The applicant may work as an ice cream  
18 truck worker pending issuance of an Ice Cream Truck Worker  
19 Identification Card. If the Department denies the application,  
20 the applicant may not be employed as an ice cream truck worker  
21 in the State of Illinois. If the application is approved, the  
22 Department shall send the card to the applicant. If the  
23 application is denied, the Department shall send a notice of  
24 denial to the applicant. The Department shall send a duplicate  
25 copy of any card issued and any notice of denial to the ice

1 cream truck employer listed on the identification card  
2 application. The Department shall establish a process for  
3 appeal and administrative review of any application denial.

4 Section 20. Ice Cream Truck Worker Identification Card  
5 application. The Department shall provide application forms  
6 for persons applying for an Ice Cream Truck Worker  
7 Identification Card. The form shall request only the following  
8 information:

9 (1) name;

10 (2) address;

11 (3) date of birth; and

12 (4) name and address of current ice cream truck  
13 employer.

14 Section 25. Criminal history records check. An applicant  
15 for an Ice Cream Truck Worker Identification Card must, as a  
16 condition of initial employment, submit his or her fingerprints  
17 to the Department in the form and manner prescribed by the  
18 Department. Each applicant is solely responsible for payment of  
19 any fee charged by the Department for conducting the criminal  
20 history records check, which shall not exceed the cost of the  
21 inquiry. Any ice cream truck worker is required as a condition  
22 of employment, business ownership, or licensing, to undergo a  
23 Department of State Police and Federal Bureau of Investigation  
24 fingerprint based criminal history records check. The

1 Department of State Police and the Federal Bureau of  
2 Investigation shall furnish, pursuant to a fingerprint based  
3 criminal history records check, records of conviction, until  
4 expunged, to the Department. The Department of State Police  
5 shall charge a fee for conducting the criminal history records  
6 check, which fee shall be deposited in the State Police  
7 Services Fund and shall not exceed the cost of inquiry. The ice  
8 cream truck worker shall be required to pay all fees associated  
9 with conducting the criminal history records check as well as  
10 any other application fees as established by rule, including,  
11 but not limited to, the fee established by the Department of  
12 State Police and the Federal Bureau of Investigation to process  
13 fingerprint based criminal history records check. No one may  
14 sell ice cream from a truck or mobile push device until the  
15 results of the background check have been returned and a  
16 fitness determination has been made by the Department.

17 Section 30. Persons prohibited from obtaining Ice Cream  
18 Truck Worker Identification Card. An application for an Ice  
19 Cream Truck Worker Identification Card shall be denied if the  
20 applicant (i) has ever been convicted of any offense set forth  
21 in Article 11 of the Criminal Code of 1961, (ii) is a  
22 registered sex offender as defined in the Sex Offender  
23 Registration Act, or (iii) has ever been convicted of any  
24 offense set forth in Article 9 of the Criminal Code of 1961.

1 Section 35. Ice cream truck worker requirements. Each ice  
2 cream truck worker, in addition to applying for an Ice Cream  
3 Truck Worker Identification Card, must:

4 (1) be at least 16 years of age;

5 (2) have completed any employment application required  
6 by the ice cream truck owner;

7 (3) be in possession of a valid driver's license;

8 (4) if required by the ice cream truck owner, wear a  
9 standard operator's uniform that identifies the individual  
10 as an ice cream truck worker; and

11 (5) be lawfully able to work in Illinois and, if not a  
12 United States citizen, be currently permitted to work by  
13 the U.S. Citizenship and Immigration Services.

14 Section 40. Responsibility of ice cream truck owner for  
15 failure of employee to comply with this Act. An ice cream truck  
16 owner shall not be responsible for any information submitted by  
17 an employee or for the failure of an employee to apply or  
18 qualify for an Ice Cream Truck Worker Identification Card. An  
19 ice cream truck owner shall not be liable to an employee for  
20 any of the requirements imposed by this Act.

21 Section 45. Copies of Ice Cream Truck Worker Identification  
22 Cards for municipalities and counties. An ice cream truck  
23 owner, upon the request of the municipality or county within  
24 which the ice cream truck is to operate, must provide copies of

1 all Ice Cream Truck Worker Identification Cards for employees  
2 who will work upon the ice cream truck. The municipality or  
3 county must request copies of Ice Cream Truck Worker  
4 Identification Cards at least 14 days before the ice cream  
5 truck is to begin operating within the municipality or county.  
6 If the ice cream truck owner has provided copies of Ice Cream  
7 Truck Worker Identification Cards and a permit is necessary for  
8 lawful operation of the ice cream truck, the issuance of a  
9 permit may not be delayed or denied on the basis that an ice  
10 cream truck owner has failed to provide the name, address, or  
11 background of or any other information related to ice cream  
12 truck workers.

13 Section 50. Penalties. Any person who knowingly violates  
14 any provision of this Act is guilty of a Class A misdemeanor.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."